

5878. **Adulteration and misbranding of jelly. U. S. * * * v. Robert J. Purdy, S. Walter Humphries, and John McMahon (Colonial Conserve Co.). Pleas of guilty. Fine, \$200.** (F. & D. No. 8468. I. S. Nos. 6277-m, 6278-m, 6279-m, 6280-m.)

On November 3, 1917, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Robert J. Purdy, S. Walter Humphries, and John McMahon, doing business as the Colonial Conserve Co., Philadelphia, Pa., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about October 24, 1916 (4 shipments), from the State of Pennsylvania into the State of Maryland, of quantities of jelly which was adulterated and misbranded. The article was variously labeled, in part: "Mother Cook Brand Pure Jelly, Grape and Apple," "Mother Cook Brand Pure Jelly, Raspb'y and Apple," "Mother Cook Brand Pure Jelly Currant and Apple," "Mother Cook Brand Pure Jelly Crabapple."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the following results:

The "Grape and Apple":

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|---|-----------|
| Solids (per cent)----- | 70.71 |
| Sucrose, Clerget (per cent)----- | 29.09 |
| Phosphoric acid (P_2O_5) (mg. per 100 grams)----- | 25.6 |
| Citric acid----- | Trace. |
| Tartaric acid----- | Negative. |
| Malic acid (per cent)----- | 0.12 |
| Alcohol precipitate (per cent)----- | 1.02 |
| Ash (per cent)----- | 0.49 |
| Organoleptic test: Flavor very poor. Practically none other than apple. | |

Analysis indicates the absence of grape juice or presence of not more than a mere trace.

The "Raspb'y and Apple":

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|---|--------|
| Solids (per cent)----- | 65.78 |
| Sucrose, Clerget (per cent)----- | 29.80 |
| Phosphoric acid (P_2O_5) (mg. per 100 grams)----- | 7.4 |
| Citric acid----- | Trace. |
| Tartaric acid----- | None. |
| Malic acid (per cent)----- | 0.066 |
| Alcohol precipitate (per cent)----- | 0.66 |
| Ash (per cent)----- | 0.09 |
| Organoleptic test: Flavor very poor. Practically none other than apple. | |

Analysis indicates the presence of raspberry juice in only negligible amounts.

The "Currant and Apple":

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| Solids (per cent)----- | 65.39 |
| Sucrose, Clerget (per cent)----- | 28.21 |
| Phosphoric acid (P_2O_5) (mg. per 100 grams)----- | 10.5 |
| Citric acid----- | Present. |
| Tartaric acid----- | None. |
| Malic acid----- | None. |
| Alcohol precipitate (per cent)----- | 0.70 |
| Ash (per cent)----- | 0.16 |
| Organoleptic test: Flavor very poor. Practically none other than apple. | |

Analysis indicates the presence of very little currant juice.

The "Crabapple":

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| Solids (per cent)----- | 62.58 |
| Sucrose, Clerget (per cent)----- | 32.96 |
| Phosphoric acid (P_2O_5) (mg. per 100 grams)----- | 6.2 |
| Citric acid----- | None. |
| Tartaric acid----- | None. |
| Malic acid----- | None. |
| Alcohol precipitate (per cent)----- | 0.62 |
| Ash (per cent)----- | 0.10 |

Organoleptic test: Flavor very poor. Practically none other than apple.

Analysis indicates that crabapple juice is entirely absent or present in mere traces.

Adulteration of the article in each shipment was alleged in the information for the reason that a substance containing practically no grape, or raspberry, or currant, or crab apple, as the case might be, had been substituted for grape and apple jelly, or raspberry and apple jelly, or currant and apple jelly, or crab-apple jelly, as the case might be, which the article purported to be.

Misbranding of the grape and apple jelly was alleged for the reason that the statement, "Pure Jelly Grape and Apple," appearing on the label, regarding the article and the ingredients and substances contained therein, was false and misleading in that it conveyed the impression that the product contained a substantial amount of grape, and for the further reason that it was labeled and branded as aforesaid so as to deceive and mislead the purchaser into the belief that it contained a substantial amount of grape, whereas, in truth and in fact, it did not, but contained practically no grape.

Misbranding of the raspberry and apple jelly was alleged for the reason that the statement, "Pure Jelly Raspb'y and Apple," appearing on the label, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article was a raspberry and apple jelly, and for the further reason that it was labeled and branded as aforesaid so as to deceive and mislead the purchaser into the belief that it was a raspberry and apple jelly, whereas, in truth and in fact, it was not, but was a product containing practically no raspberry.

Misbranding of currant and apple jelly was alleged for the reason that the statement, "Pure Jelly Currant and Apple," appearing on the label, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that said article was a currant and apple jelly, and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it was a currant and apple jelly, whereas, in truth and in fact, it was not, but was a product containing practically no currant.

Misbranding of the crab-apple jelly was alleged for the reason that the statement, "Pure Jelly Crabapple," appearing on the label, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that said article was a crab-apple jelly, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a crab-apple jelly, whereas, in truth and in fact, it was not, but was a substance containing no crab apple.

On November 20, 1917, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$200.